

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-6-2-1.1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. The attorney
5 general has concurrent jurisdiction with the prosecuting attorney in the
6 prosecution of the following:
7 (1) Actions in which a person is accused of committing, while a
8 member of an unlawful assembly as defined in IC 35-45-1-1, a
9 homicide (IC 35-42-1).
10 (2) Actions in which a person is accused of assisting a ~~criminal~~
11 **fugitive (IC 35-44-3-2) or obstruction of justice under**
12 **IC 35-44-3-4(6)**, if the person alleged to have been assisted is a
13 person described in subdivision (1) of this section.
14 (3) Actions in which a sheriff is accused of any offense that
15 involves a failure to protect the life of a prisoner in the sheriff's
16 custody.
17 SECTION 2. IC 11-12-3.7-6 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this
19 chapter, "violent offense" means one (1) or more of the following
20 offenses:
21 (1) Murder (IC 35-42-1-1).

- 1 (2) Attempted murder (IC 35-41-5-1).
- 2 (3) Voluntary manslaughter (IC 35-42-1-3).
- 3 (4) Involuntary manslaughter (IC 35-42-1-4).
- 4 (5) Reckless homicide (IC 35-42-1-5).
- 5 (6) Aggravated battery (IC 35-42-2-1.5).
- 6 (7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or
- 7 Class C felony.
- 8 (8) Kidnapping (IC 35-42-3-2).
- 9 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that
- 10 is a Class A felony, Class B felony, or Class C felony.
- 11 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A
- 12 felony or Class B felony.
- 13 (11) Incest (IC 35-46-1-3).
- 14 (12) Robbery as a Class A felony or a Class B felony
- 15 (IC 35-42-5-1).
- 16 (13) Burglary as a Class A felony or a Class B felony
- 17 (IC 35-43-2-1).
- 18 (14) Carjacking (IC 35-42-5-2).
- 19 (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony
- 20 (IC 35-44-3-2).
- 21 (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- 22 (17) Trafficking with an inmate as a Class C felony
- 23 (IC 35-44-3-9).
- 24 (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- 25 (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- 26 (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- 27 (21) Possession, use, or manufacture of a weapon of mass
- 28 destruction (IC 35-47-12-1).
- 29 (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- 30 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 31 (24) A violation of IC 35-47.5 (Controlled explosives) as a Class
- 32 A or Class B felony.
- 33 **(25) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**
- 34 ~~(25)~~ **(26)** A crime under the laws of another jurisdiction,
- 35 including a military court, that is substantially similar to any of
- 36 the offenses listed in this subdivision.
- 37 ~~(26)~~ **(27)** Any other crimes evidencing a propensity or history of
- 38 violence.
- 39 SECTION 3. IC 31-37-4-3, AS AMENDED BY P.L.3-2008,
- 40 SECTION 240, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies if a child
- 42 is arrested or taken into custody for allegedly committing an act that

- 1 would be any of the following crimes if committed by an adult:
- 2 (1) Murder (IC 35-42-1-1).
 - 3 (2) Attempted murder (IC 35-41-5-1).
 - 4 (3) Voluntary manslaughter (IC 35-42-1-3).
 - 5 (4) Involuntary manslaughter (IC 35-42-1-4).
 - 6 (5) Reckless homicide (IC 35-42-1-5).
 - 7 (6) Aggravated battery (IC 35-42-2-1.5).
 - 8 (7) Battery (IC 35-42-2-1).
 - 9 (8) Kidnapping (IC 35-42-3-2).
 - 10 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 - 11 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 - 12 (11) Incest (IC 35-46-1-3).
 - 13 (12) Robbery as a Class A felony or a Class B felony
 - 14 (IC 35-42-5-1).
 - 15 (13) Burglary as a Class A felony or a Class B felony
 - 16 (IC 35-43-2-1).
 - 17 (14) Carjacking (IC 35-42-5-2).
 - 18 (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony
 - 19 (IC 35-44-3-2).
 - 20 (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
 - 21 (17) Trafficking with an inmate as a Class C felony
 - 22 (IC 35-44-3-9).
 - 23 (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
 - 24 (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
 - 25 (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
 - 26 (21) Possession, use, or manufacture of a weapon of mass
 - 27 destruction (IC 35-47-12-1).
 - 28 (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
 - 29 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 - 30 (24) A violation of IC 35-47.5 (controlled explosives) as a Class
 - 31 A or Class B felony.
 - 32 (25) A controlled substances offense under IC 35-48.
 - 33 (26) A criminal gang offense under IC 35-45-9.
 - 34 **(27) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**
 - 35 (b) If a child is taken into custody under this chapter for a crime or
 - 36 act listed in subsection (a), the law enforcement agency that employs
 - 37 the law enforcement officer who takes the child into custody shall
 - 38 notify the chief administrative officer of the primary or secondary
 - 39 school, including a public or nonpublic school, in which the child is
 - 40 enrolled or, if the child is enrolled in a public school, the
 - 41 superintendent of the school district in which the child is enrolled:
 - 42 (1) that the child was taken into custody; and

1 (2) of the reason why the child was taken into custody.

2 (c) The notification under subsection (b) must occur within
3 forty-eight (48) hours after the child is taken into custody.

4 (d) A law enforcement agency may not disclose information that is
5 confidential under state or federal law to a school or school district
6 under this section."

7 Page 1, line 2, delete "(a)".

8 Page 1, line 4, strike "has committed a crime or".

9 Page 1, line 7, strike "criminal, a Class A misdemeanor." and insert
10 **"fugitive, a Class D felony."**

11 Page 1, line 7, delete ":".

12 Page 1, strike lines 8 through 10.

13 Page 1, line 11, strike "or a Class A felony, or" and insert **"a Class
14 C felony"**.

15 Page 1, run in lines 7 through 11.

16 Page 1, delete lines 13 through 17, begin a new paragraph, and
17 insert:

18 "SECTION 5. IC 35-44-3-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who:

20 (1) knowingly or intentionally induces, by threat, coercion, or
21 false statement, a witness or informant in an official proceeding
22 or investigation to:

23 (A) withhold or unreasonably delay in producing any
24 testimony, information, document, or thing;

25 (B) avoid legal process summoning ~~him~~ **the person** to testify
26 or supply evidence; or

27 (C) absent himself **or herself** from a proceeding or
28 investigation to which ~~he~~ **the person** has been legally
29 summoned;

30 (2) knowingly or intentionally in an official criminal **or juvenile**
31 **delinquency** proceeding or investigation:

32 (A) withholds or unreasonably delays in producing any
33 testimony, information, document, or thing after a court orders
34 ~~him~~ **the person** to produce the testimony, information,
35 document, or thing;

36 (B) avoids legal process summoning ~~him~~ **the person** to testify
37 or supply evidence; or

38 (C) absents himself **or herself** from a proceeding or
39 investigation to which ~~he~~ **the person** has been legally
40 summoned;

41 (3) alters, damages, or removes any record, document, or thing,
42 with intent to prevent it from being produced or used as evidence

1 in any official proceeding or investigation;

2 (4) makes, presents, or uses a false record, document, or thing
3 with intent that the record, document, or thing, material to the
4 point in question, appear in evidence in an official proceeding or
5 investigation to mislead a public servant; ~~or~~

6 (5) communicates, directly or indirectly, with a juror otherwise
7 than as authorized by law, with intent to influence the juror
8 regarding any matter that is or may be brought before the juror; **or**

9 **(6) knowing or having reason to believe that a person has**
10 **committed a crime or a delinquent act that would be a crime**
11 **if committed by an adult, and with intent to hinder the**
12 **apprehension or punishment of the person, harbors, conceals,**
13 **or assists in the unlawful flight of the person;**

14 commits obstruction of justice, a Class D felony. **However, the offense**
15 **is a Class C felony if the assistance given under subdivision (6) was**
16 **providing a deadly weapon.**

17 (b) Subdivision (a)(2)(A) does not apply to:

18 (1) a person who qualifies for a special privilege under IC 34-46-4
19 with respect to the testimony, information, document, or thing; or

20 (2) a person who, as an:

21 (A) attorney;

22 (B) physician;

23 (C) member of the clergy; or

24 (D) husband or wife;

25 is not required to testify under IC 34-46-3-1.

26 **(c) Subsection (a)(6) does not apply to the:**

27 **(1) parent;**

28 **(2) child; or**

29 **(3) spouse;**

30 **of the person described in subsection (a)(6).**

31 SECTION 6. IC 35-47-4-5, AS AMENDED BY P.L.151-2006,
32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2009]: Sec. 5. (a) As used in this section, "serious violent
34 felon" means a person who has been convicted of:

35 (1) committing a serious violent felony in:

36 (A) Indiana; or

37 (B) any other jurisdiction in which the elements of the crime
38 for which the conviction was entered are substantially similar
39 to the elements of a serious violent felony; or

40 (2) attempting to commit or conspiring to commit a serious
41 violent felony in:

42 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;

1 or
 2 (B) any other jurisdiction in which the elements of the crime
 3 for which the conviction was entered are substantially similar
 4 to the elements of attempting to commit or conspiring to
 5 commit a serious violent felony.

6 (b) As used in this section, "serious violent felony" means:

- 7 (1) murder (IC 35-42-1-1);
- 8 (2) voluntary manslaughter (IC 35-42-1-3);
- 9 (3) reckless homicide not committed by means of a vehicle
- 10 (IC 35-42-1-5);
- 11 (4) battery as a:
 - 12 (A) Class A felony (IC 35-42-2-1(a)(5));
 - 13 (B) Class B felony (IC 35-42-2-1(a)(4)); or
 - 14 (C) Class C felony (IC 35-42-2-1(a)(3));
- 15 (5) aggravated battery (IC 35-42-2-1.5);
- 16 (6) kidnapping (IC 35-42-3-2);
- 17 (7) criminal confinement (IC 35-42-3-3);
- 18 (8) rape (IC 35-42-4-1);
- 19 (9) criminal deviate conduct (IC 35-42-4-2);
- 20 (10) child molesting (IC 35-42-4-3);
- 21 (11) sexual battery as a Class C felony (IC 35-42-4-8);
- 22 (12) robbery (IC 35-42-5-1);
- 23 (13) carjacking (IC 35-42-5-2);
- 24 (14) arson as a Class A felony or Class B felony
- 25 (IC 35-43-1-1(a));
- 26 (15) burglary as a Class A felony or Class B felony
- 27 (IC 35-43-2-1);
- 28 (16) assisting a ~~criminal~~ **fugitive** as a Class C felony
- 29 (IC 35-44-3-2);
- 30 (17) resisting law enforcement as a Class B felony or Class C
- 31 felony (IC 35-44-3-3);
- 32 (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- 33 (19) trafficking with an inmate as a Class C felony
- 34 (IC 35-44-3-9);
- 35 (20) criminal gang intimidation (IC 35-45-9-4);
- 36 (21) stalking as a Class B felony or Class C felony
- 37 (IC 35-45-10-5);
- 38 (22) incest (IC 35-46-1-3);
- 39 (23) dealing in or manufacturing cocaine or a narcotic drug
- 40 (IC 35-48-4-1);
- 41 (24) dealing in methamphetamine (IC 35-48-4-1.1);
- 42 (25) dealing in a schedule I, II, or III controlled substance

- 1 (IC 35-48-4-2);
 2 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 3 **or**
 4 (27) dealing in a schedule V controlled substance (IC 35-48-4-4);
 5 **or**
 6 **(28) obstruction of justice (IC 35-44-3-2) as a Class C felony.**
 7 (c) A serious violent felon who knowingly or intentionally possesses
 8 a firearm commits unlawful possession of a firearm by a serious violent
 9 felon, a Class B felony."
 10 Page 2, line 1, after "IC 35-44-3-2," insert "**IC 35-44-3-4, and**
 11 **IC 35-47-4-5, all**".
 12 Page 2, line 2, delete "applies" and insert "apply".
 13 Renumber all SECTIONS consecutively.
 (Reference is to SB 34 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 3.

Senator Steele, Chairperson